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OFFICE OF PETITIONS

In re Application of
Jason D. Hibbeler et al.
Application No. 09/939,005
Filed: August 24, 2001
Attorney Docket No. POU920010019US1

ON PETITION

This is a decision on the petition filed March 28, 2006, to withdraw the holding of abandonment under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on September 16, 2005 for failure to file a timely response to the non-Final Office Action mailed June 15, 2005, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed March 13, 2006.

Petitioner asserts that a proper response, was filed via facsimile transmission on August 3, 2005. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of facsimile transmission pursuant to 37 CFR 1.8 and was acknowledged by the U.S. Patent and Trademark Office in an Auto-Reply Facsimile Transmission.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2191 for appropriate action on the amendment filed August 3, 2005, a copy of which was submitted March 28, 2006 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

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